IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

CORNELL F. DAYE,	)	
Petitioner,	)	
	)	
v.	)	**Civil Action No. 5:08-0215**
	)	
DAVID BALLARD, Warden,	)	
Mount Olive Correctional Complex,	)	
Respondent.	)	

ORDER TO SHOW CAUSE

On March 31, 2008, Petitioner, acting *pro se*, filed a Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus By a Person in State Custody. (Document No. 1.) Accordingly, pursuant to the provisions of Rules 1(b) and 4 of the Rules Governing Section 2254 Cases in the United States District Courts, it is hereby **ORDERED** that Respondent shall by **Monday, July 7, 2008**, file an Answer to the allegations contained in the Petitioner's Petition and show cause, if any, why the Writ of *Habeas Corpus* sought by the Petitioner in this case should not be granted. The Respondent's Answer shall be in conformity with Rule 5 of the Rules Governing § 2254 Cases in the United States District Courts. In Answering, Respondent shall therefore, respond to the issues raised in Petitioner's Application, include copies of Court and other records which would facilitate determination of the issues raised, and include a paragraph indicating whether or not Petitioner has exhausted his State remedies as required by 28 U.S.C. § 2254. The Petitioner may, if he wishes, file a Reply or Objections to Respondent's Answer by **Monday, July 28, 2008**.

The Clerk is requested to mail a copy of this Order to Show Cause and Petitioner's Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus By a Person in State Custody to Respondent, and to Dawn E. Warfield, Deputy Attorney General, Office of the Attorney General, Building 1, Room 26E State Capitol, Charleston, West Virginia 25305, by certified mail, and to mail a copy of this Order to Petitioner, who is proceeding *pro se.*

ENTER: May 20, 2008.

R. Clarke VanDervort
United States Magistrate Judge